

From: Michael Clark
To: Microsoft ATR
Date: 1/23/02 8:41am
Subject: Microsoft Settlement

To Whom It May Concern:

I wish to register my dissatisfaction in, and my objection to the tentative settlement reached between Microsoft and the US Department of Justice in the United States vs. Microsoft Corporation antitrust lawsuit. I am a computer scientist with over 20 years experience in the computer industry.

I find that the Proposed Final Judgement (PFJ) lacks sufficient provisions to prevent Microsoft from continuing its anticompetitive practices. Any successful Final Judgement must depend on very carefully crafted definitions of the industry specific terms used in the Final Judgement. The PFJ contains definitions of terms that differ in subtle but substantial ways from the Finding of Fact and in common usage; these definitions are apparently in Microsoft's favor.

While agreeing to the PFJ will cause Microsoft to slightly change its behaviour, there is sufficient "wiggle room" left by the definitions used in the PFJ to allow Microsoft to continue its anticompetitive practices while claiming that it is meeting the letter of the law.

There are other areas in which the PFJ inadequately addresses the grievances against Microsoft, for example:

- 1) it fails to cause Microsoft to adequately remove the so-called "Application Barriers to Entry" cited in the complaint,
- 2) it fails to adequately protect Independent Software Vendors (ISV) by requiring full disclosure of information that will allow ISVs to produce competitive products,
- 3) it fails to adequately protect Original Equipment Manufacturers (OEMs) from retaliation if they choose to ship computer systems with non-Microsoft operating systems or applications.

Several alternative proposals have been created that adequately address many of the problems with the PFJ. I am certain that at least some of these alternatives have been brought to your attention. Please do not continue with the PFJ as it currently stands, but rather adopt the provisions of one or more of the alternate proposals (e.g. <http://www.kegel.com/remedy/letter.html>), which I believe better serves the public's interest in this matter.

Thank you for your consideration,

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